

U.S. Patent Application Serial No. 09/621,140
Amendment dated **September 17, 2003**
Reply to OA of **June 17, 2003**

REMARKS

Claims 1, 2 and 5 have been canceled for being non-elected claims. Claims 3 and 4 remain in this application.

Claims 3 and 4 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated June 17, 2003.

The applicants thank the Examiner for approving the proposed substitute sheets of drawings. A bonded draftsman has filed the corrected formal drawings in the U.S. PTO on August 18, 2003.

The applicants also thank the Examiner for indicating that claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to the merits of this case, claim 3 is rejected under 35 USC §102(b) as being anticipated by Koepf (U. S. Patent No. 4,173,001). The applicants respectfully requests reconsideration of this rejection.

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The applicants' instant claimed invention, as now set forth in claim 3, includes the structural arrangement, whereby the first prism 22A includes both the function of a prism and the function of an optical element for shaping a beam form of a laser light into a desired form; thereby, preventing disturbance of the wave surface caused by the laser light hitting an end portion of a grating 23 like a rear slit 17 shown in Figure 1 or 5, and that the prism 22A has a solid non-reflective portion 28 which is not a void such as an opening 17A of the slit. Accordingly, the prism 22A prevents the disadvantage where a portion of the slit close to the opening 17A is heated so as to vary gas refractivity; thereby, a wave surface of the laser light is disturbed; and the prism 22A removes a remaining part of the laser light to outside of an optical path thereof (see, line 14, page 20 through line 19, page 21 of the applicants' specification.)

For this reason, the applicants' claimed invention is distinguished over a function in which a reflector 44 which has a coating 43 surrounding a central aperture 46, as disclosed in Koepf.

Accordingly, since not all of the claimed elements or features of the applicants' claimed invention, as now set forth in claim 3, are found in exactly the same situation and united in the same way to perform the identical function in the Koepf device, there can be no anticipation of the applicants' claimed invention, as now set forth in claim 3 (as amended). Thus, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Koepf (U. S. Patent No. 4,173,001) is in order, and is therefore respectfully solicited.

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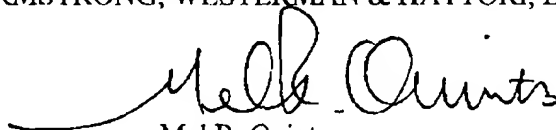
In view of the aforementioned amendments and accompanying remarks, claims and drawings, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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